

**From:** Gregory Slayton  
**To:** Microsoft ATR  
**Date:** 1/15/02 1:01pm  
**Subject:** microsoft settlement

Dear Judge;

I would like to bring to your attention what I and many other members of the technological community think is totally unacceptable in the proposed deal between Microsoft and the justice department.

1. The deal completely fails to terminate the Microsoft monopoly, allowing it to expand into new markets. The fact that Microsoft has abused its monopoly and is likely to do so again does not seem to be important enough for the justice department to stop Microsoft from monopolizing the market now, and preventing it from doing so in the future.
2. According to the deal, Microsoft is allowed to decide which product should be a "part of the OS". This gives a way for Microsoft to bind any of its non-operating system related products to Windows. It could be Internet Explorer as an example of the web browser, or a stock trading software, or any other service or software, preventing users from installing and using products other than provided by Microsoft.
3. Although the deal requires Microsoft to allow the PC manufacturers to hide Microsoft middleware programs and allow them to install icons or links to competing middleware programs, PC manufacturers are not allowed to remove Microsoft's programs completely. As a result, those Microsoft programs may prompt the user to reconfigure the system and replace all the competitor's middleware with Microsoft middleware, if they'd like. Many users would say "yes", which will remove all the competing middleware.
4. Another important issue that is not addressed in the deal is the way Microsoft deals with existing and potential competitors. For example, the deal does not restrict retaliation against potential competitors.
5. Microsoft refuses to support Java developers and alters industry standards, like Java, to defeat competition. Still, the deal does not require Microsoft to continue to distribute Java technologies.
6. The deal requires Microsoft to share information on how its middleware and server software work together with Windows. However, Microsoft does not have to disclose this information for middleware it does not distribute separate from windows, or for middleware it has not trademarked. It means, if the software is included into the Windows package, they don't have to share any information about how it works with Windows. This is an easy way to hide API's from competitors and make sure the competitor does not have information needed to make its software to work with Windows reliably. Also,

if Microsoft feels the information disclosure would harm the company's security, they don't have to share the information.

7. There is no effective enforcement mechanism for restrictions in the deal. The group of three men, half of which will be controlled by Microsoft, will not be allowed to inform the public of their work, and cannot impose fines. In addition, the work of the committee cannot be admitted into court in any enforcement proceeding.

8. The deal imposes only some fines on Microsoft, but allows it to retain almost all of the profit gained from its unlawful activities.

This settlement gives a way to any monopolist to brake the anti-trust law, just like Microsoft did, without any fear of losing their profits.

Thank you for your attention,

Oleg Efimov  
Saratoga, California

**CC:**                   microsoftcomments@doj.ca.gov@inetgw